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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JEFFREY A. PATE,

11 Plaintiff,

No. CIV S-04-1201 FCD DAD P

12 vs.

13 SACRAMENTO COUNTY
14 SHERIFFS DEPUTIES, et al.,

15 Defendants.

ORDER

16 _____/
17 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to
18 42 U.S.C. § 1983. On June 1, 2007, plaintiff filed a vague request for an extension of time and
19 on June 20, 2007, defendants filed their opposition to that request. The court notes that plaintiff
20 has failed to file his status report as ordered by the court on May 11, 2007. In the interest of
21 justice, the court will grant plaintiff an extension of time to file his status report.

22 Plaintiff has also filed a second request for the appointment of counsel. As the
23 court explained in its order filed on November 4, 2005, the district courts lack authority to
24 require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist.
25 Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the

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1 voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d
2 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990).

3 The test for exceptional circumstances requires the court to evaluate the plaintiff's
4 likelihood of success on the merits and the ability of the plaintiff to articulate his claims pro se in
5 light of the complexity of the legal issues involved. See Wilborn v. Escalderon, 789 F.2d 1328,
6 1331 (9th Cir. 1986); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). Circumstances
7 common to most prisoners, such as lack of legal education and limited law library access, do not
8 establish exceptional circumstances that would warrant a request for voluntary assistance of
9 counsel. In the present case, the court does not find the required exceptional circumstances.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's request for an extension of time, filed on June 1, 2007, is granted;
12 2. Within thirty days from the date of this order, plaintiff shall file his status
13 report pursuant to the court's order filed on May 11, 2007; and
14 3. Plaintiff's June 8, 2007 motion for the appointment of counsel is denied.

15 DATED: June 26, 2007.

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19 DALE A. DROZD
20 UNITED STATES MAGISTRATE JUDGE
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